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Notice of Allowability

Application No.

10/665,545

Examiner

Man Phan

Applicant(s)

STACEY ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communications filed 12/22/2003.
2. ☒ The allowed claim(s) is/are 15-68 (Claims are renumbered as 1-54 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for allowance

1. The application of Stacey et al. for the "ATM packet scheduler" filed 09/19/2003 has been examined. The preliminary amendment filed 12/22/2003 has been entered and made of record. Claims 1-14 have been canceled per Applicant's request and new claims 15-68 have been added.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. The application has been amended as follows:
IN THE CLAIMS:

Claim 25: line 1, replace "any one of claims 15 to 24" with --claim 15—
Claim 43: line 1, replace "any one of claims 36 to 42" with --claim 36—
Claim 56: line 1, replace "any one of claims 50 to 55" with --claim 50—
Claim 65: line 1, replace "any one of claims 60 to 64" with --claim 60--
4. Claims 15-68 are allowable (Claims are renumbered as 1-54 respectively).

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5. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises: a packet scheduler processor for scheduling assembly of real-time, delay sensitive traffic data into ATM packets of an ATM bearer virtual circuit connection (VCC); an assembly processor for assembling said real-time, delay sensitive traffic data into the ATM packets of said bearer VCC under the control of the packet scheduler processor; and a control processor for controlling dispatch of the ATM packets in conformance with a traffic characteristic of said bearer VCC; wherein said packet scheduler processor has a timer having a pre-set holdover timing period which is reset at the start of each ATM packet assembly process, whereby, if the holdover timing period expires prior to complete assembly of an ATM packet, then, on expiry of said holdover timing period, the packet scheduler dispatches the partially filled ATM packet, as expressly recited in the claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Stacey et al. (US#6,654,376) is cited to show the ATM packet scheduler.

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The Stacey et al. (US#7,020,141) is cited to show the ATM common part sub layer device and method.

The Stacey et al. (US#6,834,053) is cited to show the distributed traffic scheduler.

The Stacey et al. (US#6,434,154) is cited to show TDM/TDMA distribution network.

The Elwalid et al. (US#6,567,415) is cited to show packet scheduling in a communication network with statistical multiplexing of service classes.

The McGrew (US#6,717,939) is cited to show the virtual transport server in a telecommunication network.

The Tayloe et al. (US#6,301,269) is cited to show the ATM switching system and method with propagation delay compensation.

The Furuno (US#6,813,245) is cited to show the ATM communication system with congestion state detecting function and congestion state detecting method in ATM communication network.

The Cooper et al. (US#6,678,245) is cited to show the packet network performance.

The Gvozdanovic (US#6,600,720) is cited to show the method and apparatus for managing communication traffic.

The Rose (US#6,519,595) is cited to show the admission control queue management and shaping/scheduling for flows.

The Chung (US#6,167,050) is cited to show the user traffic control apparatus for ATM networks.

The Miller et al. (US#5,987,031) is cited to show the method for fair dynamic scheduling of ABR service under ATM.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

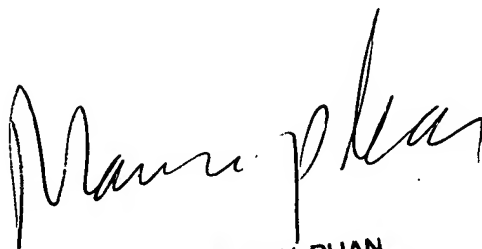
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

May 02, 2007

A handwritten signature in black ink, appearing to read 'Man U. Phan', is written over a rectangular stamp.

MAN U. PHAN
PRIMARY EXAMINER